



International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding Observations of the Committee on the
Elimination of Racial Discrimination

Colombia

1. The Committee considered the sixth and seventh periodic reports of Colombia (CERD/C/257/Add.1) at its 1135th and 1136th meetings (CERD/C/SR.1135-1136), held on 29 February and 1 March 1996, and adopted at its 1149th meeting, held on 11 March 1996, the following concluding observations.

A. Introduction

2. The Committee expresses appreciation for the opportunity to continue the dialogue with the State party on the basis of its sixth and seventh periodic reports. It regrets, however, that the report did not provide concrete information on the implementation of the Convention in practice and therefore did not fully comply with the State party's obligations under article 9 of the Convention. The Committee also noted that many concerns and recommendations expressed during previous dialogues between the State party and the Committee remained unanswered.

3. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is recognized that the climate of generalized violence linked to the guerilla war, the narco-trafficking and the existence of paramilitary armed groups impedes the full implementation of the Convention.

C. Positive aspects

5. The recent legislative and institutional measures adopted by the Government of Colombia to bring the national legislation into closer conformity with the Convention and to enhance the protection of the human rights of indigenous and Afro-Colombians are welcomed. In that connection, note is taken of the adoption in 1991 of the new Constitution, in 1993 of Law No. 70, and of the creation of the Directorate of Black Community Affairs within the Ministry of Home Affairs.

D. Principal subjects of concern

6. The lack of reliable statistical and qualitative data on the demographic composition of the Colombian population and on the enjoyment of political, economic, social and cultural rights by the indigenous and the Afro-Colombian people makes it difficult to evaluate the results of different measures and policies.

7. It is also noted that the report did not provide information on indicators and other mechanisms aimed at evaluating the governmental policies for the protection of the rights of indigenous and Afro-Colombian communities, including the land use and ownership policies.

8. Particular concern is expressed at the lack of effective implementation of policies aiming at guaranteeing to indigenous and Afro-Colombian communities the control of the quality of their environment and the exploitation of their territories.

9. Concern is expressed once again that the State party has not implemented the provisions contained in article 4 of the Convention, which call for the enactment of specific penal legislation. It is stressed that the State party's obligation under article 4 of the Convention is mandatory and should be fully implemented.

9 (a). Particular concern is expressed over reports that the rights of indigenous persons have been violated by men in uniform.

10. Serious concern is expressed at the lack of implementation of article 5 of the Convention. It is noted that various corroborating sources of information indicate the persistence in the Colombian society of structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country. Those discriminatory attitudes relate, among others, to the right to life and the security of persons, political participation, educational and occupational possibilities, access to basic public services, the right to health, the right to adequate housing, the application of the law, land ownership and use.

11. As regards implementation of article 6 of the Convention, concern was expressed that the insufficient information provided concerning cases of judicial remedy for acts of racial discrimination does not allow it to undertake proper evaluation.

E. Suggestions and recommendations

12. The Committee requests the Government of Colombia to provide in its next report detailed and accurate information addressing the concerns expressed by the Committee.

13. The Committee recommends that efficient mechanisms be immediately created by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

14. The Committee reaffirms that the provisions of article 4 are mandatory, as stated in its general recommendation VII (32). The Committee stresses that Colombia should carry out all its obligations under the mandatory provisions of the Convention. In doing so, the Government should also take into account general recommendation XV (42) of the Committee.

15. The Committee expects the State party to continue and to strengthen its efforts to improve the effectiveness of measures and programmes aimed at guaranteeing to all groups of the population the full enjoyment of their political, economic, social and cultural rights. The Committee also recommends to the State party to give the necessary attention to the migration processes, including by undertaking large-scale awareness-raising programmes oriented towards human rights and tolerance, in order to avoid social and racial prejudices and discrimination.

16. The Committee recommends that particular attention be paid to the problem of unlawful orders in the military, police and law enforcement agencies. Instances of unlawful orders issued and carried out should be investigated and those found to have committed illegal actions should be punished. Impunity should be eliminated. These matters should also be covered in the training programmes of the agencies mentioned.

17. The Committee recommends a stronger commitment on the part of the Government of Colombia to defend the basic rights of indigenous and Afro-Colombian communities as far as the use and ownership of their land is concerned.

18. The Committee further recommends that the next periodic report of Colombia contain detailed information on cases of judicial remedy for acts of racial discrimination.

19. The Committee suggests that the State party intensify its cooperation with the technical assistance programme of the United Nations Centre for Human Rights, including for the training of those involved in activities related to human rights and for the education of the younger generation.
20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.
21. The Committee recommends that the State party's next periodic report, due on 2 October 1996, be an updating report and that it address all the points raised in the present observations.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Denmark

1. The Committee considered the tenth, eleventh and twelfth periodic reports of Denmark (CERD/C/280/Add.1) at its 1337th and 1338th meetings on 1 and 4 March 1996 (see CCPR/C/SR.1337-1338) and at its 1149th meeting, on 11 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with a competent delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

3. Noting the judgement of the European Court of Human Rights in the case of Jersild-v-Denmark (36/1993/431/510), the Committee affirms that the "due regard" clause of article 4 of the Convention requires due balancing of the

right to protection from racial discrimination against the right to freedom of expression. The Committee recalls its General Recommendation No. XV on this point.

B. Factors and difficulties impeding the implementation of the Convention

4. The growth of racism and intolerance against foreigners, particularly asylum-seekers and migrant workers, is noted. The high level of unemployment makes it even more important to counter the influence of groups propagating ideas of racial superiority and attempting to justify practices of racial discrimination.

C. Positive aspects

5. The high standards of Denmark regarding the protection of human rights and its affirmed commitment to implement the provisions of the Convention are noted with appreciation. Denmark is one of the few States Parties to have made the declaration under article 14 of the Convention and to have accepted the amendment to article 8, paragraph 6, of the Convention.

6. The recent steps to bring Danish law and practice into line with the Convention's requirements are welcomed. They include the amendment of section 266 (b) of the Penal Code to make a sentence of imprisonment mandatory when the offence amounts to propaganda. The establishment of the Board for Ethnic Equality is an important step forward. Inter-ministerial discussions hold out the prospect of an explicit and comprehensive policy for eliminating racial discrimination. The introduction of a bill on the prohibition of unequal treatment in the labour market is of outstanding importance. The growth in the number of non-governmental organizations and their activities are also notable.

7. Appreciation is expressed for efforts to improve the representation of ethnic minorities in the police force.

D. Principal subjects of concern

8. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Denmark, the comments of the Board for Ethnic Equality, and other reports, suggest that some governmental institutions are insufficiently sensitive to the issue.

9. While the Committee understands the reasons which have led to the establishment of special reception classes for non-Danish speaking school children, it affirms that the "bussing" of school children should never be discriminatory in effect.

10. Similarly, the Committee is anxious that the attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods, shall not be discriminatory in effect.

11. It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups although new instructions have been issued to prosecutors. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

12. It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner. Also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

13. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an Air Force base in the early 1950s.

E. Suggestions and recommendations

14. The Committee recommends that in its next periodic report the Government of Denmark supply comprehensive information about the implementation in practice and the impact of proposed dispersal policies by the Byudvalget (Municipalities Committee) so that the Committee can assure itself that they conform with the requirements of the Convention.

15. The Committee recommends the reinforcement of measures for the full implementation of article 4 of the Convention and calls attention to its General Recommendation No. XV. If the allegations in paragraph 11 above are correct, then the licences should be withdrawn and prosecutions initiated to comply with article 4 of the Convention.

16. The Committee recommends further action to protect the right of everyone to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the rights to equal treatment within the criminal justice system and to security of person.

17. The Committee recommends that equal attention be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

18. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent any spread of racial interpretations of social and political problems.

19. The Committee suggests that further action be taken to see that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

20. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

21. The Committee recommends that the State Party's next periodic report, due on 8 January 1997, be updating in character and that it address all the points raised in these concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Zimbabwe

1. The Committee considered the initial report of Zimbabwe (CERD/C/217/Add.1) at its 1131st and 1132nd meetings (CERD/C/SR.1131-1132), held on 27 and 28 February 1996, and at its 1149th meeting, held on 11 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee commends the State Party on the quality of its initial report prepared in accordance with the Committee's guidelines for the preparation of State Party reports. The Committee notes with appreciation the high-level representation sent to discuss the report, which serves as an indication of the importance attached by the Government of Zimbabwe to its obligations under the Convention, and for the open, comprehensive and constructive approach which characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State Party's delegation for additional information that it provided to the Committee orally and in writing. The Committee also notes with satisfaction the submission by Zimbabwe of the core document (HRI/CORE/1/Add.55).

3. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that Zimbabwe was ruled prior to 1980 by a non-recognized and non-democratic government. Under that regime, racist laws and policies were adopted and implemented by the authorities for the benefit of the ethnic white minority. Most of the population lived for a long period under a regime of racial segregation and discrimination. During the same period, Rhodesia (now Zimbabwe) faced economic and diplomatic sanctions, imposed by the international community. The State Party's full compliance with the principles and provisions of the Convention has therefore to be seen as a process of progressive implementation.

C. Positive aspects

5. The record of the governments in power since the independence of Zimbabwe (18 April 1980) in progressively building up democracy, justice, security, tolerance and stability in the country is noted with great appreciation. In the same spirit, it is observed that the Government's policy of national conciliation has been in great part successful.

6. The fact that, through its policies and in the framework of its Constitution, the Government is actively fighting intolerance and any form of racial discrimination is also welcomed.

7. Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, inter alia, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

8. The establishment in 1994 of the Inter-Ministerial Committee on Human Rights and Humanitarian Law is welcomed. Note is taken that this Committee will be responsible for both the dissemination of the State Party report and the Committee's concluding observations, as well as the follow-up to the Committee's recommendations.

9. The establishment of the Office of Ombudsman in 1982 was a positive move. The recent proposal that the Parliament should broaden the mandate of the Ombudsman by giving him the authority to investigate alleged human rights violations by members of the army, the police and other law enforcement agencies is welcomed.

D. Principal subjects of concern

10. Concern is expressed at the absence of specific legislation to prevent and combat all forms of racial discrimination, in compliance with article 4 of the Convention.

11. Concern is expressed that parallel systems of private schools for pupils whose parents who can afford them and public schools for others results in a racially segregated school system.

12. It is a matter of concern that not all the minority languages are used in the existing education programmes.

13. The persisting existence of a dual legal system regulating, inter alia, the areas of marriage and inheritance is a serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

14. Concern is expressed about the lack of information on the educational attainments of ethnic groups at the primary, secondary and university levels. More information is also needed on land distribution by ethnicity, and the registration of complaints and court cases related to racial discrimination.

15. With regard to article 7 of the Convention, the Committee is concerned about the absence of educational programmes for the prevention of racial discrimination.

E. Suggestions and recommendations

16. The Committee emphasized that the State Party must comply with its obligations under article 4 of the Convention and recommends strongly that it adopt appropriate legislation in order to give effect to the provisions of that article.

17. The Committee recommends that steps be taken, by the Government and by the schools themselves, to reduce the deleterious consequences of the racial segregation created by the parallel systems of public and private schools.

18. With regard to the protection and promotion of the rights of ethnic minorities, the Committee encourages the State Party to take all necessary measures to provide mother-tongue teaching in the areas where minorities live in substantial numbers.

19. The Committee recommends that the dual legal system regulating marriage and inheritance be revised in an appropriate manner, and if necessary unified, to avoid potential areas of unequal treatment between the races.

20. The Committee suggests that the State Party consider incorporating teaching about human rights into the school curricula with a view to promoting the prevention of racial discrimination.

21. More quantitative information is requested in the next report concerning the programmes of land distribution and on the number of complaints and court cases related to racial discrimination that have been registered recently by the State Party.

22. The Committee also recommends that the next periodic report contain complete information on complaints concerning sentences imposed for racial or ethnic discrimination.

23. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

24. The Committee suggests that the State Party ensure, through its Inter-Ministerial Committee on Human Rights and Humanitarian Law, the dissemination of the initial report, the summary records of the discussion and the concluding observations adopted thereon.

25. The Committee recommends that the State's Party next periodic report be comprehensive in character and that it address all the points raised in these concluding observations.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Hungary

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Hungary (CERD/C/263/Add.6) at its 1143rd and 1144th meetings (see CERD/C/SR.1143-1144), held on 6 and 7 March 1996 and, at its 1150th meeting, held on 12 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee thanks the State party for the submission of its periodic report and welcomes the resumed dialogue with the Government of Hungary. The Committee appreciates the frankness and the comprehensiveness of the report, which contains detailed information on the implementation of the Convention. It regrets, however, that the report was overdue.

B. Factors and difficulties impeding the
implementation of the Convention

3. It is recognized that the active policy of tolerance and openness towards minorities is still relatively new and is to be implemented in a context of profound political, social and economic change. It is further recognized that some social attitudes still prevalent and partly tolerated in the country are not conducive to the full implementation of the Convention.

C. Positive aspects

4. The fact that Hungary has made the declaration under article 14 of the Convention and has withdrawn its reservation previously made in relation to article 22 of the Convention is welcomed.

5. The many recent developments in Hungary that represent substantial steps in the transition towards democracy and pluralism are welcomed. The provisions of the new Constitution, the firm legal basis it provides for a democratic order, the thorough legal reform and the establishment of democratic institutions, some of which are particularly progressive, are noted with much appreciation.

6. The State party is commended for its new policy regarding minorities, based on the principles of preservation of their self-identity, special preference treatment and cultural autonomy.

7. The large and conscientiously prepared consultation to reach a political consensus on the question of minorities, which led to the adoption on 7 July 1993 of the Act on the Rights of National and Ethnic Minorities, is welcomed. The Act permits a renewal of the former process for assimilating national and ethnic minorities so that they may regain their linguistic and cultural identity.

8. The creation in 1990 of the Office for National and Ethnic Minorities as an independent administrative body and of the post of Ombudsman (Parliamentary Commissioner) for National and Ethnic Minority Rights, effective since mid-1995, is also welcomed.

9. The signing of agreements with neighbouring countries in connection with minority rights issues, in line with paragraph 7 of the Preamble to the Convention, is another subject of satisfaction.

10. The development of activities carried out in relation to article 7 of the Convention, including the wide diffusion of the text of the Convention and the encouragement of public debate on its contents, is also noted with satisfaction.

D. Principal subjects of concern

11. Grave concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly those by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Gypsies, Jews and people of African or Asian origin. Alarm is expressed that the Government has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups. In this regard, concern is expressed at information from various credible sources indicating that the number of charges and convictions, including against neo-Nazi skinheads and others, is low relative to the number of abuses reported.

12. Alarm is also expressed at apparent harassment and use of excessive force by the police against Gypsies and foreigners.

13. Concern is expressed that so far the State party has not fully implemented the provisions contained in article 4 (a) and (b) of the Convention, as partly recognized in the report, and attention is drawn to the Committee's General Recommendation No. XV.

14. The persistent marginalization of the large Gypsy population, in spite of continuing efforts by the Government, is a matter of serious concern. It is noted that the de facto discrimination Gypsies face in the enjoyment of their economic, social and cultural rights increases their vulnerability in a context of economic crisis. Concern is expressed that three quarters of Gypsies are unemployed, with almost no prospect of entering the labour market.

15. Concern is expressed that, according to the Act of 1993, for an ethnic group to be recognized as a minority, it must have lived on Hungarian soil for at least a century; this seems to be very restrictive.

16. The absence of demographic data on the minorities in different districts of the country makes any evaluation of activities intended for their benefit difficult. Equally, the lack of data on the representation of minorities in the local authorities and the lack of recent data on the situation of minorities in the fields of education, culture, the media and employment is regretted.

17. Concern is also expressed about the lack of clarity concerning the status of the Convention in Hungarian law.

E. Suggestions and recommendations

18. The Committee urges the Government of Hungary to take more active steps to prevent and counter attitudes and acts of racial violence against individuals. It recommends extreme vigilance towards the neo-Nazi skinheads and others and a stronger commitment to ensuring that there is no element of racism in law enforcement.

19. The Committee also expects the State party to clarify the relationship between the Convention and the Hungarian Constitution and laws.

20. The Committee recommends that the State party comply fully with its obligations under article 4 of the Convention and take all necessary steps to amend the Penal Code in that respect. Due account should be taken of the Committee's General Recommendation No. XV.

21. The Committee recommends increased attention to the protection of the Gypsies' civil, political, economic, social and cultural rights. The efforts to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social conditions of this group should be developed. The Committee requests the State party to provide detailed information on such measures in its next report.

22. The Committee recommends that the State party provide in its next report, statistical data on the minorities in different districts, on their

representation in the local authorities, as well as recent data on their situation in the fields of education, culture, the media and employment.

23. The Committee recommends that the next report contain detailed information regarding allegations and prosecutions in the case of acts of racial discrimination.

24. The Committee suggests that the Government continue its action taken to publicize the provisions of the Convention. The public should also be better informed of the remedy available under article 14 of the Convention. In addition, the State party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States parties.

26. The Committee recommends that the State party's next periodic report be an updating report and address all the concerns expressed by the Committee.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Russian Federation

1. The Committee considered the twelfth and thirteenth periodic reports of the Russian Federation (CERD/C/203/Add.3, at its 1133rd and 1134th meetings (see CERD/C/SR.1133-1134), held on 28 and 29 February 1996, and at its 1150th meeting, held on 12 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State Party's willingness to continue the dialogue with the Committee by sending a high-level delegation to present the reports, which indicates the importance attached by the Government of the Russian Federation to its obligations under the Convention. However, the Committee regrets that the reports were not submitted on time, that they did not fully comply with the reporting guidelines, did not contain adequate information on the implementation of the Convention in the Republics and that, in particular, the information on Chechnya requested at the forty-sixth session of the Committee was not included, but only supplied orally by the delegation.

B. Positive aspects

3. The establishment in 1993 of a special commission on human rights is welcomed. It is also noted with satisfaction that a parliamentary group has been mandated to investigate human rights and international humanitarian law violations in the Chechen conflict. In addition, the recent establishment of a special authority to implement a State programme on social and economic life in the Northern Territories is appreciated.

4. The entry of the Russian Federation into the Council of Europe, which became official in February 1996, is noted. It is hoped that the Russian Federation will soon ratify the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms and will accept its procedure for receiving individual petitions. The recent drafting of two regional human rights conventions, including one on the rights of minorities, in the framework of the Commonwealth of Independent States is also a positive initiative.

C. Factors and difficulties impeding the implementation of the Convention

5. The difficulties facing the Russian Federation in the present period of transition and in a climate of social change and deep economic crisis are taken into account. It is also noted that the Russian Federation is a large multi-ethnic and multicultural society. The factual situation of minorities has also to be taken into account; some of them possess their own statehood and are represented by subjects of the Federation whereas others are dispersed all over the country. In respect of members of the latter groups the full implementation of the Convention may require particular efforts. Finally, it is understood that the establishment and practical application of a new democratic and non-discriminatory political, economic and social framework is a difficult and lengthy process.

D. Principal subjects of concern

6. Concern is raised about the current shortcomings in the general national legal framework for protecting all persons against discriminatory practices. Article 19 of the Constitution of the Russian Federation, which provides for equality of rights regardless of "race, nationality, language, origin or other circumstances", is not broad enough to be regarded as a full implementation of the prohibition of racial discrimination required by the Convention. It is further noted with concern that the legislation necessary for the implementation of article 19 of the Constitution and other constitutional provisions designed to protect the rights of minorities have not yet been fully adopted or effectively implemented.

7. Several minority and indigenous groups have no access to education in their own language. When they deal with administrative and judicial matters, they are frequently precluded from using their own language.

8. The absence of effective measures for the protection and preservation of the traditional ways of life and the right to land use of the people of the Northern Territories is also a cause for concern, although the need for improvement of their economic, social and cultural situation has been recognized.

9. The concrete implementation of the principles and provisions of the Convention remains weak, especially at the regional and local levels. Concern is particularly raised regarding the application of articles 2 and 4 of the Convention.

10. The report contains very limited information on the right to security of person (art. 5 (b) of the Convention), the right to freedom of movement (art. 5 (d) (1)) and non-discrimination with regard to the enjoyment of economic, social and cultural rights, referred to in article 5 (e) of the Convention.

11. The increase in racist positions associated with nationalist movements such as the National Republican Party is of grave concern. Equally, the increase in racist attitudes among the population or of local authorities directed against Caucasians, especially Chechens, also gives cause for concern, as do indications of violence among part of the population.

12. The use of excessive and disproportionate force in suppressing the attempted secession of Chechnya, resulting in unnecessary civilian casualties is a matter of very grave concern. The reports of arbitrary arrests, ill-treatment of detainees, excessive destruction of civilian property and pillage in Chechnya also give rise to concern.

13. In particular the reports concerning the situation in the so-called filtration camps give rise to grave concern. It is to be deplored that representatives of humanitarian organizations, such as the International Committee of the Red Cross, have not been permitted to visit such camps.

14. The situation in Ingushetia and North Ossetia is a further matter of deep concern. Large numbers of Ingush exiles are being denied by the North Ossetian authorities the right to return freely to their regions of origin, in particular the Prigorodnyi district, in spite of the Law on Rehabilitation of Repressed Peoples. The Ingush population has also suffered directly and indirectly from the Chechen conflict.

E. Suggestions and recommendations

15. The Committee strongly recommends that the National Parliament urgently complete and adopt all announced acts and laws concerning human rights, especially the draft law on national and cultural autonomy. The laws on the use of minority languages should be completed at the various legislative levels and fully implemented. The Committee also suggests that the State Party consider ratifying ILO Convention No. 169.

16. The State Party should take all appropriate measures to ensure the promotion of minority and indigenous people's languages. The Committee recommends that education programmes be provided in the appropriate languages.

17. The Committee recommends that special attention be paid to the minority and indigenous groups living in the Northern Territories by taking appropriate and effective measures to promote and protect their rights, especially the rights to use and exploit the land where they are living and to live in their own cultural environment.

18. The Committee recommends that, where appropriate, the State Party take special and concrete measures to ensure the adequate development and protection of less developed groups within the Federation, in accordance with article 2, paragraph 2, of the Convention.

19. The Committee strongly recommends that the Government take concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promote racist ideas or objectives, as referred to in article 4 of the Convention.

20. The Committee also strongly recommends that the State Party carry out the decision of the Constitutional Court to abolish the permit system effectively.

21. The Committee recommends that the State Party enhance effectively protection against any acts of racial discrimination through the competent national courts, in accordance with article 6 of the Convention, by strengthening the court system, the independence of the judiciary and the confidence of the population therein. The Committee further recommends the training of judges, lawyers and magistrates in human rights. This type of training should also be provided to law enforcement personnel and the military, in line with General Recommendation No. XIII of the Committee.

22. The Committee strongly recommends that the State Party urgently take all measures to restore peace in Chechnya and to ensure full protection of human rights in the region. It further strongly recommends that the Government take all steps to ensure the full respect of fundamental human rights in the region, without discrimination. The Committee reaffirms that persons responsible for massive, gross and systematic human rights violations, and gross violations of international humanitarian law, should be held responsible and prosecuted.

23. The Committee recommends that the State Party guarantee the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia and provide in its next report information on the human rights situation in Chechnya, Ingushetia and North Ossetia.

24. The Committee invites the State Party to provide, in its next report, further information on the breakdown by percentage of all ethnic groups of the population.

25. More information is also requested in the next report on the number of complaints and court cases related to racial discrimination that have been registered recently by the State Party, on the respective decisions and judgments taken, and on the implementation of article 7 of the Convention.

26. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

27. The Committee suggests that the State Party ensure the dissemination of its periodic report and of the concluding observations adopted by the Committee. The accepted procedure of individual communications under article 14 of the Convention should be made widely known in the country.

28. The Committee recommends that the State Party's next periodic report, due on 5 March 1996, be a comprehensive one and that the State Party address all the concerns expressed in these observations.

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**International Convention
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Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Madagascar

1. The Committee examined the implementation of the Convention by the Government of Madagascar at its 1150th meeting, held on 11 March 1996 (see CERD/C/SR.1150), based on the previous periodic report of the State Party (CERD/C/149/Add.19) and the summary record of the consideration thereof by the Committee (CERD/C/SR.835), and at its 1154th meeting held on 14 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee notes that no new report has been received since 1989 and that no reply has been given by the Government to the Committee's list of principal concerns, addressed to it in August 1995, with regard to the implementation of the Convention in Madagascar. The Committee had also recommended, during its forty-seventh session, that the Government request technical assistance from the Centre for Human Rights, which has not been done.

B. Factors and difficulties impeding the implementation of the Convention and principal subjects of concern

3. Grave concern is expressed at the continuing deterioration of the social, cultural and economic conditions prevailing in the State Party. The general impoverishment of the country, the dysfunctioning of social services and social security and the existence of tensions between various groups of the population, which all lead to phenomena of racial or ethnic discrimination, are a matter of anxiety for the Committee.

C. Suggestions and recommendations

4. The Committee requests the Government of Madagascar to submit without delay a comprehensive report in compliance with the Committee's guidelines for the preparation of State Party reports.

5. The general part of the updated report should contain information relating to the composition of the State Party's population and to its ethnic characteristics, as well as to the recent evolution of the political, social and economic situation prevailing in the country. Issues such as the inter-ethnic tensions, discrimination against the Indo-Pakistani community, the increasing impoverishment of the rural population, the acute lack of social services and health services, and the alarming situation of education which intensify discrimination between ethnic groups, within the population and the social impact of structural adjustment programmes implemented under the auspices of the International Monetary Fund, should be addressed.

6. The second part of the report should contain detailed information on the implementation of articles 2 to 7 of the Convention. This part should describe the existing penal legislation implementing article 4 of the Convention, as well as the available remedies against any acts of racial discrimination, implementing article 6 of the Convention, and provide examples of complaints and statistics about such remedies. The role and achievement of the Mediator, as far as protection against racial discrimination is concerned, should also be spelled out. The report should further indicate what measures have been taken by the Government to alleviate the effects of the economic crisis on the most disadvantaged groups of the population. Existing measures adopted in the field of education and awareness-raising to counter racial or ethnic discrimination, to promote tolerance and to make the principles of the Convention better known, should also be described.

7. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the fourteenth meeting of States Parties.

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PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Finland

1. The Committee considered the eleventh and twelfth periodic reports of Finland (CERD/C/240/Add.2) at its 1141st and 1142nd meetings (see CERD/C/SR.1141-1142), held on 5 and 6 March 1996, and at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State Party's readiness to continue a dialogue with the Committee. It regrets that the eleventh and twelfth reports were not submitted on time. The Committee also expresses its appreciation to the State Party's delegation for the additional information that it provided during its oral presentation.

B. Factors and difficulties impeding the
implementation of the Convention

3. Since the mid-1980s, Finland has been facing important demographic changes. It is noted that the number of foreigners has more than tripled over the past few years. It is also noted that Finland is facing difficulties in the current period of structural change and economic recession. As observed by the Government, implementation of the Convention may also be made more difficult in some areas by decentralization policies, severe unemployment and budgetary cuts.

C. Positive aspects

4. It is noted that the Government of Finland has taken, especially since the beginning of the 1990s, several positive measures to combat various forms of racial discrimination. The establishment of the Advisory Board for Refugee and Migrant Affairs, the ratification of the European Charter for Regional Minority Languages (1994) and the creation of a working group to draw up a programme of action against racism and discrimination (1996) are just a few of the proactive steps that Finland has taken.

5. Recent legal reforms of the Constitutional framework and Penal Code, on matters related directly to racial discrimination, are welcomed.

6. The Government's initiative in establishing a dialogue with the non-governmental sector is appreciated. It is noted that this dialogue resulted in the cooperative drafting of the eleventh and twelfth periodic reports of Finland. The efforts undertaken by the Government to promote public debate on questions and problems relating to racial discrimination are welcome initiatives.

7. It is noted with satisfaction that the State Party has made a declaration under article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive communications from individuals. The fact that Finland has ratified the amendments to article 8, paragraph 6, of the Convention is welcomed.

D. Principal subjects of concern

8. Concern is expressed that article 4 of the Convention has not yet been fully implemented.

9. The recent, significant increase of racially motivated acts and violence is a matter of deep concern. The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry. It is regretted that there is no law which prohibits or punishes racist organizations for activities which promote and incite racial discrimination. Proposed reforms of the Constitution and of the Penal Code seem not to comply fully with the spirit and provisions of articles 2 and 4 of the Convention.

10. It is noted that victims of racial discrimination must overcome significant obstacles in order to obtain adequate judicial remedies.

11. As regards the land rights of the Sami people, concern is expressed over the mining and other economic interests of national and international companies which may be threatening the way of life of Samis.

12. Concern is also expressed over the Sami people's participation in the Sami parliament in their mother tongue.

13. The difficulties which the romany minority continues to experience in exercising its rights is a matter of concern. The high rate at which Romany children drop out from school is also cause for concern.

14. It is noted with concern that educational programmes contain insufficient information on human rights issues, especially on minority rights issues.

15. There is no wide distribution of the text of the Convention in Finland. This practice differs from the Government's policy of distributing the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in the Finnish language.

16. The current refugee policies do not fully take into account all of the provisions of the Convention. In some cases, decisions to repatriate asylum-seekers have been taken without proper respect for international human rights standards and the norms of refugee law. Concern is likewise expressed over the criteria employed in granting residence permits to foreigners.

17. Also a matter of concern is the discrimination against ethnic minorities and foreigners which occurs within the labour market.

18. Concern is expressed about the training of law enforcement officials in the protection of human rights in the light of the Committee's General Recommendation No. XIII.

19. Another matter of concern is the denial of access to public places for some persons, on the basis of ethnic or national origins.

E. Suggestions and recommendations

20. In order to combat racist and xenophobic attitudes and violence, the Committee recommends that the State Party take all appropriate measures to implement fully articles 2 and 4 of the Convention. It also recommends that Finland adopt legislation which clearly prohibits and punishes acts of racial discrimination and organizations that promote and incite such racial discrimination.

21. The Committee recommends that the constitutional and penal reforms in Finland, to the extent to which they concern racial discrimination, more fully reflect the provisions of the Convention.

22. The Committee also recommends that the Government ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police. Detailed information on complaints and sentences regarding acts of racial or ethnic discrimination would be useful.

23. The Committee suggests that the Government draft and implement a clear policy on Sami land rights in order better to protect and preserve the way of life of this minority group. The Committee also recommends that the Government ratify ILO Convention No. 169.

24. The Committee recommends that the State Party do all in its power to enable Sami children to pursue their studies at the primary and secondary levels in their mother tongue.

25. The Committee also suggests that special measures be taken on behalf of the Romany people to ensure their full and equal enjoyment of human rights, especially in the field of education.

26. In order to fight discrimination more efficiently, the Committee recommends that special attention be paid in schools to human rights issues and especially to minority issues.

27. The Committee strongly recommends that the Government take the Convention fully into account when considering policies and/or decisions on asylum seekers and refugees.

28. The Committee recommends that appropriate action be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

29. The Committee further suggests that the State Party ensure the wide dissemination of the text of the Convention, as well as of the report, the summary records and the concluding observations adopted thereon. The accepted individual communications procedure under article 14 of the Convention should be widely publicized throughout Finland for the benefit of the general public.

30. The Committee recommends that the State Party's next periodic report, due in August 1995, be an updating report, and that it address the matters raised in these concluding observations.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Spain

1. The Committee considered the thirteenth periodic report of Spain (CERD/C/263/Add.5) at its 1145th and 1146th meetings, on 7 and 8 March 1996 (see CERD/C/SR.1145-1146) and, at its 1154th meeting, on 14 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to continue its dialogue with the Government of Spain. It expresses its appreciation for the prompt submission of the thirteenth periodic report, less than one year after the consideration of the previous report by the Committee, which demonstrates the commitment of the Government to the elimination of racial discrimination and to the fulfilment of its obligations under the Convention. The Committee notes with satisfaction that, though the report does not follow the guidelines for the preparation of periodic reports, it answers the questions raised during the consideration of the twelfth periodic report that were not responded to at that time. The Committee also expresses its appreciation for the additional information provided orally by the delegation.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the increase in acts of racial discrimination against foreigners, asylum-seekers and members of the Gypsy community constitutes an impediment to the full implementation of the Convention in Spain. At the same time, the lack of official socio-economic data on the Gypsy population may impair the effectiveness of the policies to improve their situation.

C. Positive aspects

4. The commitment expressed by the delegation on behalf of the Government to make the declaration under article 14 of the Convention, to withdraw the reservation to article 22 of the Convention and to consider the ratification of the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States Parties is welcomed.

5. It is noted with satisfaction that measures have recently been adopted by the Spanish authorities to intensify the fight against racial discrimination and xenophobia and to bring Spanish law more into line with the requirements of the Convention. For example, Organic Laws 4/95 and 10/95 introduce into the Criminal Code the crime of genocide, and define a racist or anti-Semitic motivation for the commission of a crime as an aggravating circumstance.

6. The provisions of the new Law on the Regulation of the Right to Asylum 9/1994 and of Royal Decree 203/1995, providing inter alia that an asylum-seeker whose request for asylum has been refused may still be given a residence permit in Spain for humanitarian reasons, and that asylum-seekers are granted health care and the assistance of a legal counsellor and of an interpreter to help them during the procedure, are also welcomed.

7. The Gypsy Development Programme set up to improve the situation of the Gypsies, in particular in the field of education, promotion of the Gypsy culture, housing and employment, and conducted in collaboration with Gypsy associations, is noted with satisfaction. The Self-Regulating Agreement between the Ministry of Social Affairs and the mass media, concluded in order to promote a positive and non-discriminatory image of the Gypsy community, is viewed by the Committee as an original and positive measure.

8. The various campaigns initiated by the Ministry of Social Affairs or by the European Union, for example, the "Democracy is equality" and "Youth against intolerance" campaigns, and the "Youth campaign against racism, xenophobia, anti-Semitism and intolerance", are welcomed.

D. Principal subjects of concern

9. Concern is expressed over the increasing manifestation of racism, xenophobia and discrimination against foreigners, asylum-seekers and members of the Gypsy community. It is noted with serious concern that evidence of racist attitudes on the part of members of the police and the Civil Guard seems to be increasing, and that the number of convictions resulting from such incidents does not seem to increase proportionately.

10. It is regretted that no precise information was provided with regard to the socio-economic situation of the Gypsy community. Similarly, not enough precise information was provided to the Committee with regard to the status of the Muslims residing in Ceuta and Melilla; in particular, it was not made clear whether the members of this community were full Spanish citizens.
11. It is noted that neither the report nor the additional oral information provided the Committee with enough information on the training of members of the security forces, the judiciary and the public service at large in the avoidance of racial discrimination.
12. While the wide autonomy enjoyed by the Autonomous Communities in Spain in the field of education is welcomed, it is noted with concern that in Catalonia and in the Basque Country it may be difficult for the children of the Castilian-speaking minority to receive education in their mother tongue.
13. Serious concern is also expressed with regard to the status of neo-Nazi and other extreme-right organizations which spread racist ideas. It is regretted that it was not made clear during the discussion whether such organizations could be registered and, if so, whether they could be dissolved on the sole ground that they spread racist ideas, or whether they were secret and, in this case what the attitude of the authorities towards them is. It is doubtful whether Spain fully implements article 4 (b) of the Convention.
14. It is noted that, while efforts to relocate members of the Gypsy community in the Madrid area through the resettlement plan of the Madrid Municipal Corporation are welcomed, more attention should be paid by the authorities to ensuring that the implementation of the plan does not lead to the segregation of this community.
15. It is also noted that the lack of information on the implementation of article 5 of the Convention makes it difficult for the Committee to evaluate the actual situation with regard to the enjoyment of civil, political, economic, social and cultural rights by foreigners and members of the various ethnic groups in Spain.
16. Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from competent tribunals.

E. Suggestions and recommendations

17. The Committee recommends that the Spanish authorities urgently adopt more effective measures to contain and punish racist actions and xenophobia in all their forms, in particular through the training of members of the security forces, of the judiciary and other officials and through a close surveillance of extreme-right organizations. With regard to the latter, the Committee recommends the reinforcement of measures aiming at the full implementation of article 4 of the Convention.
18. The Committee recommends that the enjoyment by everyone, without discrimination, of the rights listed in article 5 of the Convention be ensured. In that regard, the Committee particularly recommends that

strengthened attention be given to the equal enjoyment by members of the Gypsy community of the rights to housing, to education, to work and to protection in case of unemployment.

19. The Committee recommends that the next report contain detailed information on complaints and sentences relating to acts of racial or ethnic discrimination.

20. The Committee recommends that measures be taken by the authorities to ensure that Castilian-speaking children have the possibility of receiving education in Castilian in Catalonia and in the Basque Country.

21. The Committee recommends that information be provided in the State party's next periodic report on the results of the implementation of the laws and amendments recently adopted and mentioned above and on the obstacles encountered in their implementation, as well as on the implementation of article 5 of the Convention. Similarly, the Committee stresses the necessity for complete and up-to-date statistical data to be included in the next report on the exact ethnic composition of the Spanish population and on the socio-economic characteristics of each ethnic group.

22. The Committee recommends that the State party's next periodic report, due on 5 January 1998, be a comprehensive report in accordance with the reporting guidelines.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

United Kingdom of Great Britain and Northern Ireland

1. The Committee considered the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/263/Add.7 and CERD/C/263/Add.7, Part II) at its 1139th, 1140th and 1141st meetings (see CERD/C/SR.1139-1141), held on 4 and 5 March 1996, and, at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and one of its dependent territories (Hong Kong). It notes with satisfaction the State Party's timely submission of the report, as well as the detailed answers provided to the questions posed at the present session and to the issues raised by the Committee in its concluding observations in connection with the twelfth periodic report. The Committee recognizes that since the United Kingdom became a party to the Convention many legislative and other measures have been taken to implement the provisions of the Convention.

3. The Committee notes with regret that Part II of the report deals with the implementation of the Convention in only one dependent territory (Hong Kong) and that no information has been submitted with respect to the other dependent territories. It none the less expresses appreciation for the Government's engagement in a frank and constructive dialogue with the Committee, including on the legal issues about which the Government is, much to the regret of the Committee, in disagreement with the Committee.

4. The Committee expresses appreciation for the specific information received from non-governmental organizations based in the State Party, which helped it to clarify the situation and contributed to the quality of the dialogue.

5. It is noted that the State Party does not envisage making the declaration provided for in article 14 of the Convention, and that a number of members of the Committee requested the State Party to reconsider its position on this matter.

B. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that a large number of manifestations of racism and racially motivated attacks and incidents directed against members of ethnic minorities continue to occur in the territory of the State Party.

C. Positive factors

7. The legislative proposal to allow the Commission on Racial Equality to accept legally binding undertakings and the introduction of new legislative provisions to address the issue of persistent harassment are welcome developments. The special effort made by the Government to increase the representation of ethnic minorities in the police force is also noted with satisfaction, as is the attention being paid in recent years to collecting data on and investigating racially motivated crimes, deaths in detention and complaints of police brutality.

8. The new grants for education support and training, which are intended to increase the English skills of students from ethnic minority groups, are viewed as a constructive way to raise the standards of academic achievement of these students.

9. The commitment to enact a race relations law for Northern Ireland, although much belated, is also welcome.

10. With respect to Hong Kong, the study on racial discrimination proposed to begin by the end of the present year is viewed as a constructive means of determining the extent of problems in the area of racial discrimination and reviewing all laws that may in a discriminatory manner confer exclusive benefits on members of a particular race. Where discrimination is found to exist, the study could serve as an important basis for the development of solutions.

D. Principal subjects of concern

11. Note is taken of the fact that the 1976 Race Relations Act, by which most of the provisions of the Convention are given effect in domestic law, is subordinate to a wide range of rules and may be superseded by new rules or laws. The legal framework prohibiting racial discrimination is further weakened by the non-incorporation of the Convention in domestic legislation, the absence of a bill of rights espousing the principle of equality before the law and non-discrimination, and the lack of recourse of individuals to petition an international body such as the Committee. In addition, concern is expressed that the laws relevant to the implementation of the Convention do not appear to be uniformly applied throughout the territory of the United Kingdom; specifically, the Race Relations Act does not extend to Northern Ireland and some provisions of the Criminal Justice Act do not apply to Scotland.

12. Special concern is expressed over the issue of religious discrimination in connection with anti-Muslim sentiment. Discrimination against Muslims may be closely related to questions of race and ethnicity, but no legislation is in place to deal effectively with this type of discrimination.

13. Concern is expressed over the interpretation of article 4 as presented in the State Party's interpretative statement regarding this article and reaffirmed in the thirteenth periodic report. Such an interpretation is not only in conflict with the established view of the Committee, as elaborated in its General Recommendation No. XV (42), but also amounts to a negation of the State Party's obligation under article 4 (b) of the Convention to outlaw and prohibit organizations which promote and incite racial discrimination.

14. In connection with article 3 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and perpetrators, once guilt is established, not appropriately punished. Persons belonging to ethnic minority groups are under-represented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Deep concern is expressed about reports that they suffer significantly higher levels of unemployment relative to the rest of the population and that disproportionate numbers of black children are being excluded from schools.

15. Special concern is also expressed for the Irish Traveller community, whose situation affects their right to public health care and social services under article 5 (e). It is noted that the policy of designating land for the use of Travellers has contributed to their lower standard of living and has curtailed their freedom of movement by limiting the places which they might inhabit.

16. Serious concern is expressed at the absence of comprehensive race relations legislation in Northern Ireland. Equally, concern is expressed at the lack of positive efforts to bridge the cultural gaps in Northern Ireland.

between mainstream society and minority groups, particularly the Chinese and Irish Traveller communities. This has resulted in a disturbing reluctance by many members of these groups to make use of health and other social services.

17. Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill, published on 30 November 1995, would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This bill, if enacted, would, inter alia, prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

18. With respect to Hong Kong, concern is expressed at the failure to include in the 1991 Population Census questions which would help determine the ethnic and racial composition of the population. The identification of minority groups and subsequent analysis of their political, economic and social status is a precondition for determining the difficulties that minority groups may be facing and whether and how any such difficulties may be due to discrimination.

19. It is noted with concern that the adoption of the Bill of Rights Ordinance, while a welcome measure, does not protect persons in Hong Kong from racial discrimination to which they may be subjected by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d) of the Convention.

20. The Government's statement that South Asian residents of Hong Kong are granted some form of British nationality, whether that of a British National Overseas (BNO) or a British Overseas Citizen (BOC), so that no resident of Hong Kong would be left stateless following the transfer of sovereignty is noted with interest. It is, however, a matter of concern that such status does not grant the bearer the right of abode in the United Kingdom and contrasts with the full citizenship status conferred upon a predominantly white population living in another dependent territory. It is noted that most of the persons holding BNO or BOC status are Asians and that judgements on applications for citizenship appear to vary according to the country of origin, which leads to the assumption that this practice reveals elements of racial discrimination.

21. Concern is also expressed about the "two-week rule", which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, which may leave workers vulnerable to abusive employers.

22. In connection with Vietnamese asylum-seekers in Hong Kong, there are serious indications that the conditions to which these persons are subjected during their often prolonged detention in refugee centres constitute a violation of their human rights and require urgent attention. Of principal concern is the absence of educational facilities for the children in these centres.

E. Suggestions and recommendations

23. The Committee recommends that the State Party submit information on why anti-discrimination legislation, specifically the 1976 Race Relations Act and the 1994 Criminal Justice and Public Order Act, is not applied equally throughout the territory of the United Kingdom. Further, the Committee recommends that the Race Relations Act be re-examined with a view to elevating its status in domestic law so that it may not be superseded by new rules or laws. The Committee also recommends that the United Kingdom reconsider its interpretation of article 4.

24. The Committee recommends, with respect to articles 5 and 6, that the adequacy of legal aid available to alleged victims of racial discrimination be reviewed and that all complaints of police brutality be vigorously and independently investigated and the perpetrators punished. It recommends that investigations into deaths in custody be carried out expeditiously by independent inquiry mechanisms. The Committee further recommends that comprehensive, action-oriented studies be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

25. Noting with satisfaction the willingness of the State Party to inform the Committee in a more comprehensive manner about the role and the functioning of industrial tribunals dealing with complaints relating to discrimination in employment, the Committee recommends that in the next periodic report special attention be given to such aspects as accessibility, procedures and types of redress.

26. The Committee recommends that the next report of the State Party contain detailed information on complaints and sentences relating to acts of racial or ethnic discrimination.

27. The Committee recommends that, during the further consideration of the 1995 Asylum and Immigration Bill, published on 30 November 1995, full consideration be taken of the provisions of the Convention. Detailed information about its application and the ethnic composition of potentially affected persons is requested in the fourteenth periodic report.

28. The Committee recommends that effective programmes be established to care for the health and educational needs of the Irish Traveller community in Great Britain and Northern Ireland.

29. The Committee takes note of the establishment of the Ethnic Minorities Advisory Committee (EMAC) in 1991 to assist the Judicial Studies Board in addressing racial and multicultural issues in courts. The Committee requests that information be submitted in the fourteenth periodic report indicating whether training from EMAC is obligatory for all judges and how many judges have actually received training by the date of submission of that report.

30. In view of the fact that many of the persons found not to be entitled to remain in the United Kingdom are members of minority groups, the Committee reiterates its position that States are obligated under the Convention not only to enact appropriate legislation but also to ensure its effective implementation.

31. The Committee recommends that the provisions of the Convention be taken into full account in the drafting of comprehensive race relations legislation for Northern Ireland. The Committee recommends that an effort be made to make available in the principal minority languages important public information, particularly concerning basic health care.

32. With respect to articles 5 (e) and 7 of the Convention, the Committee repeats its recommendation that in the next report information be included regarding the development of plans to improve the economic and social conditions of minority groups through various measures in the field of employment and training, housing, social services, health and education, and in particular that the fourteenth periodic report include specific information on the number of persons from minority groups assisted through the programmes in place or to be introduced. The report should also address the manner in which such persons were assisted and the effect of the programmes on their overall welfare. Among the programmes discussed should be the Single Regeneration Budget, the Equal Opportunities Ten-Point Plan for Employers and the various educational grants for minority students.

33. Noting with concern the absence of legislation in Northern Ireland to outlaw racial discrimination and the Government's statement that close consideration is being given to this issue, the Committee recommends that a bill be promulgated as soon as possible.

34. The Committee notes with interest that action is taken to address the needs of children from the Black and other minority communities who are excluded from schools and recommends that the Government regularly collect and analyse data relating to the academic progress of children, broken down by ethnicity, to develop policies and programmes with a view to eliminating disadvantages based on race.

35. With respect to Hong Kong, the Committee recommends that efforts be made to determine the ethnic and racial composition of the population. The Committee recommends that the Bill of Rights Ordinance be amended to extend the prohibition of discrimination to acts committed by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d), of the Convention. The Committee recommends that the "two-week rule" be modified to allow foreign workers to seek new employment in Hong Kong when their employment contracts are terminated.

36. The Committee recommends that the question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin be reviewed to ensure that their human rights are protected and that they are not discriminated against as compared with residents of other former colonies of the United Kingdom.

37. The Committee recommends that the fourteenth periodic report, due on 5 April 1996, be an updating report, that it contain information on the metropolitan territory as well as on the dependent territories, including Hong Kong, and that it address all the points raised in these observations.
